



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF THE COMMISSIONER  
P.O. Box 402  
TRENTON, NJ 08625-0402

CHRIS CHRISTIE  
*Governor*

BOB MARTIN  
*Commissioner*

KIM GUADAGNO  
*Lt. Governor*

May 12, 2010

Lisa P. Jackson, Administrator  
United States Environmental Protection Agency  
Office of the Administrator  
401 M Street, SW  
Room 1200 WT\1101  
Washington, DC 20460

Dear Administrator Jackson,

On behalf of the State of New Jersey, enclosed is a petition pursuant to Section 126 of the Clean Air Act, 42 U.S.C. § 7426, seeking reductions in emissions from the coal-fired Portland Generating Station ("Portland Plant") in Upper Mount Bethel Township, Northampton County, Pennsylvania. The New Jersey Department of Environmental Protection ("NJDEP") has determined that emissions from the Portland Plant are significantly contributing to nonattainment and/or interfering with maintenance of sulfur dioxide ("SO<sub>2</sub>") and 24-hour fine particulate matter ("PM<sub>2.5</sub>") National Ambient Air Quality Standards ("NAAQS") in New Jersey.

To meet its attainment requirements, New Jersey has adopted State Implementation Plans (SIPs) and regulations, a component of which effectively controls SO<sub>2</sub> and PM<sub>2.5</sub> at coal-fired power plants in New Jersey by requiring the implementation of Reasonably Available Control Technology by December 15, 2013. However, New Jersey's ability to attain and maintain the NAAQS is significantly impacted by the emissions from Portland Plant's coal-fired generating units. The 400 foot tall stacks venting these emissions are located upwind of and within 500 feet of Warren County, New Jersey. These units, built in the 1950's and 1960's, have no SO<sub>2</sub> emission controls and an outdated control technology for particulate emissions. In 2009, the Portland Plant's SO<sub>2</sub> emissions of 30,345 tons exceeded the combined SO<sub>2</sub> emissions of 12,810 tons from all New Jersey's power generating facilities.

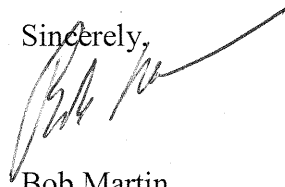
The NJDEP modeling analyses demonstrate violations of the SO<sub>2</sub> and PM<sub>2.5</sub> NAAQS in Warren County. Therefore, according to Section 126 of the Clean Air Act, the EPA must directly regulate the Portland Plant to mitigate the significant impact of its emissions in New Jersey by requiring the installation of air pollution control technology or imposing more stringent emission rates. It is critical that EPA address the impact of Portland Plant's emissions on New Jersey's ability to attain and maintain its SO<sub>2</sub> and PM<sub>2.5</sub> NAAQS considering the health and welfare impacts of these pollutants and the impending new SO<sub>2</sub> NAAQS. Further, any remedy chosen by EPA must ultimately lead to an actual reduction of emissions from the Portland Plant,

otherwise violations of the SO<sub>2</sub> and PM<sub>2.5</sub> NAAQS will continue in New Jersey. The EPA Clean Air Interstate Rule (CAIR) program has not addressed these impacts. Thus the EPA must compel emission reductions at this plant.

Section 126(b) requires the Administrator to make a finding or deny a petition within 60 days of receipt of the petition and after a public hearing. New Jersey respectfully requests that any public process related to this petition be held in Warren County, New Jersey. The citizens of New Jersey who are being negatively impacted by the emissions from the Portland Plant should be accommodated and afforded every opportunity to participate in the associated public process.

I welcome the opportunity to discuss this matter with you. I can be contacted at (609) 292-2885. Assistant Commissioner Nancy Wittenberg, head of my Climate & Environmental Management Division, can be contacted at (609) 292-2795.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Martin', with a long horizontal flourish extending to the right.

Bob Martin  
Commissioner

- c: Judith A. Enck, Regional Administrator, US EPA Region 2  
Shawn M. Garvin, Regional Administrator, US EPA Region 3  
Gina McCarthy, Assistant Administrator, Office of Air and Radiation, US EPA  
John Hanger, Secretary, PADEP  
Paula T. Dow, New Jersey Attorney General